

UNITED STATES OF AMERICA  
 NATIONAL TRANSPORTATION SAFETY BOARD  
 OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of:

MV ETHAN ALLEN,  
 LAKE GEORGE, NEW YORK,  
 OCTOBER 2, 2005

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 \* Docket No.: DCA 06 MM 001  
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Interview of: DOLORES MILEK

National Transportation Safety Board  
 490 L'Enfant Plaza East, S.W.  
 Washington, D.C. 20594

Wednesday,  
 October 5, 2005

The above-captioned matter convened, pursuant to  
 notice at 9:12 a.m.

BEFORE: MARIETTE BURER

## APPEARANCES:

MARIETTE BURER

National Transportation Safety Board

PAT BARNES

National Transportation Safety Board

MAJ. STEVE RIVENBURGH

New York State Park Police

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P R O C E E D I N G S

(9:12 a.m.)

MS. BURER: Okay, my name is Mariette Burer with the National Transportation Safety Board. Today is October 5th, 2005 and it is approximately 9:12 in the morning. I am sitting here with --

MS. MILEK: Dolores Milek, D-o-l-o-r-e-s. D-o --

MS. BURER: Okay.

MS. MILEK: -- l-o-r-e-s.

MS. BURER: Sorry.

MS. MILEK: I don't know how they have it spelled.

MS. BURER: And then M-i --

MS. MILEK: l-e-k.

MS. BURER: Okay. Okay, and then next to Ms. Milek is?

MS. BARNES: This is Pat Barnes, National Transportation Safety Board.

MS. MILEK: Dolores Milek.

MS. BURER: Okay.

MS. MILEK: D-o-l-o-r-e-s (indiscernible) keep misspelling. That's M-i-l-e-k.

INTERVIEW OF DOLORES MILEK

BY MS. BURER:

Q. I guess what we would like to do is go ahead and just have you tell us --

1           A.    Um-hum.

2           Q.    -- your story from Sunday morning, and just carry us  
3 all the through to --

4           A.    Well, when we were boarding the ship, I looked at the  
5 ship and I was kind of leery about going.  It just -- it wasn't  
6 the ship that I thought we were going to go on.  It looked kind  
7 of rickety.  But -- and once we climbed on, I noticed that  
8 there was three seats on one side and two on the other, and as  
9 people starting down, the boat started tilting to the one side.  
10 And then this one gentleman went over -- he was a heavy-set  
11 man -- went over and sat on the other side and it kind of  
12 righted itself.  And the first thing, I my husband and I looked  
13 up.  Where are the life preservers?  Because every place we've  
14 been, life preservers, they've either been up above us or below  
15 the seats and we couldn't see any life preservers.  And then my  
16 sister-in-law says, well, they're probably up in front.  
17 There's a box up there.  But we never saw the life preservers.  
18 The captain never mentioned a word about life preservers or  
19 anything about safety aboard the ship.  And there was a woman  
20 that wouldn't come on the boat because she was afraid.

21               And then, it was a beautiful day and it seemed like  
22 it was calm.  So as we were going out, he was describing the  
23 homes and how beautiful, and there was this little island and  
24 he was going around the island and he was remarking about this  
25 little house on this island.  And as we turned and went around

1 the island, he started going into the middle of the ocean, not  
2 ocean, but the water. And then all of a sudden I saw the  
3 boat -- the bow of the boat go up, water splash, then we went  
4 down, and then we went from to the left side, then we went to  
5 the right side, and then we again to the left side, and then  
6 the people, I saw the people flying. My friend that died, I  
7 saw the both of them flying over, and I slid into the water and  
8 I went down. And as I came up, I banged my head right over  
9 here on something and I went down three times. And then, when  
10 I finally came up, there was a little thing here that I was  
11 able to grasp onto. And then my husband came up on one side of  
12 me and my sister-in-law, Lillian, came up on the other side.

13           And then we both -- my husband and I both had a hard  
14 time breathing. He's got heart problems. But we were so  
15 weighed down with the clothes, and then I said, I don't how  
16 much longer I can hang up, because the boat was bouncing and it  
17 had overturned. And I said, I don't know how much longer I can  
18 last. And then that boat came. They threw a life preserver to  
19 us. And my sister-in-law gave me the life preserver. She  
20 said, I can swim to the boat. So I got a hold of the life  
21 preserver and I was able to kick myself. And then I could not  
22 crawl on the boat. The people literally pulled me up. They  
23 grabbed my hands and they pulled me onto the boat because I  
24 could not get on. I couldn't even hardly breathe.

25           And then they started helping other people, and then

1 I noticed the owner of that boat saw my husband. They had  
2 thrown him a life preserver, somebody did, and he -- it slipped  
3 on him and the man swam to him and helped him and got him onto  
4 another boat. And then -- then we were taken to shore and I  
5 couldn't believe how wonderful everybody was there. They had  
6 blankets on us and they were comforting us, and the ambulances  
7 were there and we were the first ones to ride to the hospital.  
8 And here, all these people, they were lined up, doctors and  
9 nurses, spiritual people, all helping us. I just couldn't  
10 believe how wonderful everybody was. And at the hospital,  
11 everybody was just there for us all the time. I mean, you  
12 couldn't have asked for a better care than we got there.

13 I mean, and my husband is -- we were both -- my  
14 husband had a heart attack, so they were treating him. And we  
15 had -- my enzymes were high and they had me on -- they had a  
16 monitor on me and the had -- they took X-rays and all kinds of  
17 tests and everything like that, and I was just released last  
18 night and my husband is being released this morning. But he  
19 has to see his own cardiologist as soon as he gets home,  
20 because there are problems now.

21 Q. So you were in the hospital from Sunday --

22 A. Sunday until last -- yesterday afternoon. About  
23 four o'clock I left.

24 Q. So that's Tuesday afternoon --

25 A. Um-hum.

1 Q. -- 4:00 p.m. And what kind of injuries did you  
2 sustain, aside from the bruise on your -- your right --

3 A. My head over here.

4 Q. Yeah.

5 A. Yeah. Okay. It was just that I couldn't breathe and  
6 they said my enzymes were high.

7 Q. Okay.

8 A. And so the doctor was saying something about that it  
9 could be from the trauma of the effect or it could be some  
10 tissues were being damaged or something in my heart, so he said  
11 I should see a cardiologist. They had all the records ready  
12 for us and we will take them to our own cardiologist --

13 Q. Okay.

14 A. -- later on.

15 Q. Okay. As far as when you actually went around the  
16 island, do you remember any kind of narration that he was --

17 A. Well, he had been describing this little house on the  
18 island. Now --

19 Q. Yeah.

20 A. You know, people lived there, do you know what I  
21 mean? And he had been talking about that. And then, when we  
22 turned the island, then I saw him going toward -- in the middle  
23 of the lake and that's -- when it happened, it happened so fast  
24 that, you know, I just couldn't believe it. I said, this can't  
25 be happening on this lake. It's a beautiful, calm lake. It



1 just can't be happening.

2 Q. Right. How long do you think it actually took for  
3 him to go around the island?

4 A. I really don't know. He was describing everything  
5 and were just listening and it was so nice, you know.

6 Q. Right.

7 A. I really don't -- I couldn't say.

8 Q. Do you remember the name of the house that he was  
9 describing to you?

10 A. Well, he had described these big homes on that, but  
11 the little house, I don't remember who was that --

12 Q. Okay. Where you were sitting, was the window open --

13 A. Yes.

14 Q. -- or closed?

15 A. Yes, thank goodness, they were all -- the windows  
16 were all open because, otherwise, I think we would've all be  
17 trapped in there. But the windows were open and we just slid  
18 right out. But it was a nice day. They told us to wear  
19 jackets because it was going to be cool, that's why we all had  
20 heavy jackets and were weighed down with all the heavy clothes,  
21 wet clothes. They did retrieve my purse, which -- later on,  
22 but --

23 Q. When the three of you were sitting on the bench, how  
24 comfortable was it?

25 A. Well, we were --

1           Q.   Did you feel that you had enough leg room and all  
2 that stuff?

3           A.   No, there wasn't that much room on there.  And my  
4 husband is not a big person.  Like I say, he only weighs 146  
5 pounds and I weigh 129.

6           Q.   Right.

7           A.   And then, I don't know Janet's weight, but the three  
8 of us were on that one.

9           Q.   Right, okay.

10          A.   Like I say, when we first got on the boat and it went  
11 down -- I mean, really went down to the side and that's when I  
12 was ready to get off.

13          Q.   Right.

14          A.   But the lake was so calm and beautiful and I thought,  
15 well, nothing can happen on here.

16          Q.   The captain's demeanor during the trip?

17          A.   Well, he was very pleasant.

18          Q.   Okay.

19          A.   There was nobody else on board, just the captain and  
20 he was describing how nice everything was and all beautiful  
21 homes and you know, how they were built and stuff, how old they  
22 were, you know.

23          Q.   Right.  When you were actually boarding, how many  
24 people were already on there?

25          A.   Quite a few.

1 Q. Okay.

2 A. Quite a few.

3 Q. And then the man that -- actually, you were saying  
4 that --

5 A. He went to sit on our side. No -- yeah. And then he  
6 went over on the other side. He went some place. In here, he  
7 was going to sit on our side, and then my husband said, wow.  
8 He says, we're tilting. And then he says, well, I'm going to  
9 go over on the other side. He was a big, heavy-set man, and he  
10 went over on this side and it seemed like it righted itself a  
11 little bit.

12 Q. Right. So he actually heard your husband make that  
13 commentary?

14 A. Yeah. Well, I hope he did. I don't know if he did.  
15 He must've -- he might've felt that it was, you know, being  
16 tilted, too --

17 Q. Right.

18 A. -- because he went right away over to the other side.

19 Q. Okay, so that was voluntarily done --

20 A. Yeah.

21 Q. -- with that?

22 A. Yeah.

23 Q. Okay.

24 A. Yeah.

25 Q. All right. Can you describe again -- first of all,

1 first of all, did you see any water inside the cabin, or inside  
2 the boat at all?

3 A. No. Not until -- when I saw the water coming up this  
4 way, I saw it splash the window. I did not see any water. And  
5 then, when we went into the water, I mean, we were just -- I  
6 just went in so fast that before you knew it, I was underneath  
7 the boat.

8 Q. Right. Okay.

9 A. And when I came up, I came up three times and then I  
10 was able to grab onto that ledge.

11 Q. Um-hum.

12 A. And then I was bouncing back and forth.

13 Q. Right.

14 A. But it was just a small, little thing to hang onto.  
15 But the three of us were able to have this little thing to hang  
16 onto.

17 Q. Yeah.

18 A. And my husband was concerned. Hang on. He said,  
19 don't give up, and I was worried about his heart. And my  
20 sister-in-law's stronger and like I say, she gave me her life  
21 preserver --

22 Q. Yeah.

23 A. -- and that helped me a lot. It saved my life. And  
24 then the people there, I just can't believe it. Those people  
25 are just so wonderful. They were so concerned about us.

1 Q. Did you at any time have to -- so when you were  
2 actually sliding down underneath the boat and you came up  
3 two -- three times, right?

4 A. Yeah.

5 Q. Okay. Are you a strong swimmer?

6 A. No.

7 Q. Okay.

8 A. And then, with our jackets and I had Reeboks on, I  
9 mean, all the -- it was really so heavy. Everything was so  
10 heavy. And then -- like I say, my chest felt like I couldn't  
11 breathe.

12 Q. Right, okay. All right. Were you sitting by the  
13 aisle seat or by the window?

14 A. I was sitting right by the window.

15 Q. Okay. Then, where were you in regards -- I mean, how  
16 did the window ledge, how did that feel to you?

17 A. I can't even remember. It was okay. I can't  
18 remember because we were just paying -- we weren't even paying  
19 attention to the ledge. We were paying attention to what he  
20 was talking about.

21 Q. Right.

22 A. So I really didn't -- we were just looking out the  
23 window and like I say, it was a beautiful day and he described  
24 all these gorgeous homes.

25 Q. Okay. So when you were going around the island, was

1 that the first time that you actually saw a wake or --

2 A. I didn't see any wake. All I said, once we went  
3 around the island and we were going out, that's when I saw the  
4 water come up.

5 Q. Okay.

6 A. I didn't know whether he was doing a practical joke  
7 on us, you know, because we went up and the water came up, and  
8 then we down and then we went to the left, then right. And  
9 then, when we went back to the left, that's when we -- I saw  
10 the people flying out before I slid under. But I saw our two  
11 friends that perished.

12 Q. Yeah.

13 A. I saw them in the air yelling. And I don't know  
14 where they landed up, because I slid under the water.

15 MS. BURER: Right. Okay. We just got joined by one  
16 of our party's --

17 MS. MILEK: Um-hum.

18 MS. BURER: member. Go ahead and introduce yourself.

19 MAJ. RIVENBURGH: My name is Steve Rivenburgh and I'm  
20 with the New York State Park Police.

21 MS. MILEK: Okay, I'm Dolores Milek.

22 MS. BURER: Okay, I don't have any questions for her  
23 right now. So Pat will --

24 MS. MILEK: Okay.

25 BY MS. BARNES:

1           Q.    Pat Barnes, the National Transportation Safety Board.  
2   The two friends that you were talking about, who you lost, I'm  
3   sorry, but do you know where they were sitting?

4           A.    Somewhere on this side, but closer up here.  
5   Somewhere like over here, because --

6           Q.    Okay.  And --

7           A.    Somewhere in here.

8           Q.    -- do you know which friend was sitting by the window  
9   and which one --

10          A.    I can't -- I think Carol was sitting by the window,  
11   and Bill, her husband, and then there was another couple, the  
12   Greenwalds (ph.), and they were, I think, up closer.  I can't  
13   remember it, but I know I could see them.  From where we were  
14   sitting, I could see them and I could see them -- you know, I  
15   could see them coming -- so either one of these seats over here  
16   that they were at.  The two seats.  And the other couple, the  
17   Greenwalds, were right either in front of them or in back of  
18   them, but near there somewhere.

19          Q.    Okay.  When people were loading, you mentioned the  
20   heavy-set man who started to sit on the port side, but then he  
21   elected to sit on the starboard side, or the right side, at any  
22   time, did they -- was the captain advising people where to sit?

23          A.    No.

24          Q.    He never asked anybody --

25          A.    No, but he just sat in front and we were just

1 boarding and everybody sat wherever they wanted and that was  
2 it.

3 Q. Okay.

4 A. And just like I say, we noticed that the boat was  
5 tilting and my husband, he said, wow, this is really tilting.  
6 And I don't know if the man heard it or not, he went right away  
7 over on the other side, and it did -- not completely, but it  
8 did move over enough. And I thought, well, once we get into  
9 the water, it'll right itself and we'll be okay. But there  
10 definitely was a tilt, I mean a real tilt to that when he sat  
11 down -- the man was going to sit down.

12 Q. Okay. And then, when you were talking about the boat  
13 going around the island --

14 A. Yeah.

15 Q. Now this, of course, is the middle of the lake out  
16 here. Can you draw, perhaps, what you -- how you believe --

17 A. Okay. I think we went around like this and went  
18 around like this, and then he started going out -- and some --  
19 real soon is when this happened.

20 Q. Okay. And did you have a sense that his --

21 A. He was going a little fast. It seemed a little fast.

22 Q. Okay.

23 A. When he was starting to go into the middle, it seemed  
24 like it was a little faster than when he was going around the  
25 island.



1 Q. Okay.

2 A. But I thought he just needed more speed to get into  
3 the middle of the lake.

4 Q. Okay.

5 A. Because he had mentioned something about 70 feet  
6 depth, it was 70 feet in that lake.

7 Q. You're right. The -- so you were not hit by any of  
8 the people who --

9 A. No.

10 Q. Okay.

11 A. No, I slid right under the water, and I was hit when  
12 I came up by the ship.

13 Q. Okay.

14 A. I hit something on the ship, because I got this  
15 bruise here. But no, I was not hit by any of the people. I  
16 saw them up in the air. Like I say, our friends, I could just  
17 see them with their hands outstretched and screaming, and  
18 that'll be with me forever, I think.

19 Q. Okay. Was this a little metal strip around the  
20 vessel that you were trying to hold on to?

21 A. I had -- it was a little red thing that I was hanging  
22 on. I don't think it was very big, but just enough like this.  
23 I mean, we each had one. My sister-in-law had one, I had one,  
24 and my husband was over here. It seemed like all three of us  
25 were together and we were able -- but I said, I don't know.

1 It's not that big. I said, I don't know how much longer I can  
2 hang on because I can't breathe and this is -- and I kept  
3 bobbing up and down more than my husband and my sister-in-law.  
4 The water was going up -- after I had been down three times,  
5 and then that's when the life -- I got the life preserver. My  
6 sister-in-law tossed me her life preserver from the ship, from  
7 that little boat that came by, and the people were right there.  
8 I don't know what would've happened if those people weren't  
9 there.

10 Q. Did the boat -- do you recall the boat turning again  
11 after it capsized?

12 A. I just remember it turning over like that, and then  
13 we could see the propeller. Once we were up, we could see the  
14 propeller and like black smoke coming out and fuel. We were so  
15 smelly when we came back, that the hospital -- the doctors made  
16 us go in and shower and scrub up real good.

17 Q. Okay.

18 A. Our clothes were washed and they still smell of that  
19 fuel oil.

20 MS. BARNES: Um-hum, um-hum. So I can't think of any  
21 other questions to ask at this time. Steve, I know you came in  
22 in the middle.

23 BY MAJ. RIVENBURGH:

24 Q. But I do have a couple of questions based on some of  
25 what I've heard. And this is Steve Rivenburgh with the Park

1 Police. You were sitting on the left side?

2 A. With the three -- with the people.

3 Q. On the three-seater?

4 A. Yeah.

5 Q. Okay. And you were sitting by the window?

6 A. I was by the window.

7 Q. Okay. So when the water came in --

8 A. I slid right -- yeah.

9 Q. Right.

10 A. Before, I thought, when it tilted this way, I could

11 see the people -- before I slid under, I saw the people flying

12 in the air, then I slid under.

13 Q. Did you see any boats or any other activity around

14 you prior to --

15 A. I think, earlier, earlier we had seen a paddle boat

16 way out.

17 Q. Uh-huh.

18 A. But that was earlier.

19 Q. Yeah. And in what direction was that going?

20 A. Well, that was -- I think it was heading back to the

21 shore. It seemed like it was heading back to shore.

22 Q. Okay. If you were going this way --

23 A. Yeah, uh-huh.

24 Q. -- it was going the opposite?

25 A. Yeah, but it was way out into the lake.

1 BY MS. BURER:

2 Q. So on this little map --

3 A. They were way out here somewhere. Maybe out here  
4 somewhere.

5 MAJ. RIVENBURGH: Okay.

6 BY MS. BURER:

7 Q. And in which direction, this way or that way?

8 A. I think they were going this way.

9 Q. Okay.

10 A. I think they were heading back to the shore, and we  
11 were going -- we had been out 20 minutes or so on the lake.

12 MS. BURER: Right. Okay.

13 BY MAJ. RIVENBURGH:

14 Q. Okay. And you saw the boats coming this way, and you  
15 saw no reason for the boat to maneuver that way?

16 A. I didn't see any waves. If there was, I didn't see  
17 it. Of course, I was further back, so I didn't -- I didn't see  
18 any. But the captain, like I say, he hadn't mentioned nothing  
19 about life preservers. And we looked -- the first thing, we  
20 looked up and we looked down. And every time we've been on a  
21 ship, the captain will always say, well, regardless of a little  
22 bit -- how little the boat is, they always mentioned, well,  
23 they're either up here or they're below your seats. And there  
24 was a box, but I never saw the life preservers and he didn't  
25 mentioned them.

1 Q. Um-hum.

2 A. Now, somebody else said that they had some in back  
3 and some in front, but I never saw them.

4 Q. Okay. Now, you were -- I take it you were going in  
5 around an island?

6 A. Yeah.

7 Q. Um-hum.

8 A. And we had just come back. We were going out into  
9 the deeper -- all around and then we were going into the  
10 middle -- more into the middle of the lake.

11 Q. You were going to head more towards the middle of the  
12 lake --

13 A. Yeah.

14 Q. -- at that point?

15 A. And that happened so soon right after we went around  
16 the island.

17 Q. Okay. And did you see any boats that were just  
18 stationary, that weren't moving in the area?

19 A. No. Previous to going around the island, we had seen  
20 two ski boats. One was going real fast, a red one, and then he  
21 slowed down and then there was another white one. But they had  
22 kind of slowed down and I thought, gee, they're going awfully  
23 fast. And my husband said, well, they're slowing down. But  
24 they passed us by and then we went around the island.

25 Q. About how far from shore were you?

1           A.    I don't think we were that far.  I don't know how far  
2   that island is, but we were maybe in line with that island --

3           Q.    Um-hum.

4           A.    -- wherever that island is.

5           Q.    Yeah.

6           A.    We were going along there because we -- you know, we  
7   didn't have to go this way or that way, you know, we just --  
8   maybe a little bit we went around like that, but --

9           Q.    Did you ever look back behind you to see -- you know,  
10   to take a look at something and happened to see the wake coming  
11   on to your boat?

12          A.    No.

13          Q.    You didn't see that?

14          A.    No, I was looking forward and to the side.

15          Q.    Okay.

16          A.    And this little one island.

17          Q.    When you're sightseeing, that's what you're supposed  
18   to be doing.

19          A.    Yeah.  And the homes are beautiful and the lake was  
20   so pretty and --

21          Q.    Did you take any pictures?

22          A.    I didn't because my camera had broken down, so I  
23   wasn't able, but my sister-in-law and my friends, who lost  
24   their cameras.

25          Q.    Okay.

1           A.    So they're in the -- and the other ones are past.  
2   You know, they're gone and I don't know if they retrieved -- I  
3   don't think their camera would be any good anyway.  So --

4           Q.    Well, depending on the --

5           A.    Yeah.

6           Q.    -- process, we might be able to recover something  
7   (indiscernible) digital.

8           A.    Well, they retrieved my purse.  Yesterday I got, but  
9   everything -- you know, my passport's okay and my money, but --  
10   and my credit cards, but I threw just about everything else  
11   away.  It was sogging wet.

12          Q.    They'll take your money, regardless.

13          A.    I'm surprised -- and I still had my glasses.  I had  
14   my watch.  And my husband, I think I got his glasses.  I'm not  
15   sure.  And he had his wallet in his pocket and it was still  
16   there, and he had a little -- you know, the little fanny pack  
17   there, and it still was on.  It still was on his body.  But he  
18   lost his glasses, but like I say, I think I've got them, but  
19   I'm not sure.  But my purse, like I say, I was concerned about  
20   my driver's license.  That's the thing -- the money can be  
21   replaced, but the -- all the trouble of going through Medicare  
22   and the driver's license and the health cards and all that and  
23   my credit, you know --

24          Q.    Um-hum.

25          A.    -- the passport.  So that was, you know, wet, but I

1     dried it all. I even dried my money out.

2             MAJ. RIVENBURGH: Well, I'll speak with my colleagues  
3 later and pick up on the rest of your --

4             MS. MILEK: Okay.

5             MAJ. RIVENBURGH: -- statement from them.

6             BY MS. BURER:

7             Q. I just have one more question. Did you at any time  
8 hear any kind of noise when you were trapped?

9             A. No.

10            Q. No noise?

11            A. No.

12            Q. Okay. Whether it's mechanical or --

13            A. No. My husband --

14            Q. Okay.

15            A. I don't know. He's an engineer, so he would --  
16 anything like that, he picks up on it sooner than I would. I  
17 was just enjoying the view, that's all.

18            Q. Right.

19            A. But he might have.

20            Q. Okay.

21            A. I don't know.

22            MS. BURER: Okay. Then, I'm concluding this  
23 interview.

24            MS. MILEK: Okay.

25            MS. BURER: So could you just acknowledge that it's



1    been recorded?

2                   MS. MILEK:   Yes, this has been recorded.   Do you want  
3   my name and --

4                   MS. BURER:   No, that's okay.

5                   MS. MILEK:   Okay.

6                   MS. BURER:   Thank you very much.

7                   MS. MILEK:   Okay, thank you.

8                   (Whereupon, the interview in the above-entitled  
9   matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the  
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:           Investigation of MV Ethan Allen  
                                  Lake George, New York  
                                  October 2, 2005  
                                  Interview of Dolores Milek

DOCKET NUMBER:           DCA 06 MM 001

PLACE:                    Washington, D.C.

DATE:                     October 5, 2005

was held according to the record, and that this is the  
original, complete, true and accurate transcript which has been  
compared to the recording accomplished at the hearing.

\_\_\_\_\_  
David Martini  
Transcriber